

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

SENTENCING MINUTE SHEET

CR No.	09-3601-MV			USA vs.	Phillips			
Date:	2/16/12			Name of Deft:	Nicholous Phillips			
Before the Honorable				Martha Vázquez				
Time In/Out:		1:51 p.m../2:55 p.m.			Total Time in Court (for JS10):		1 hour, 4 minutes	
Clerk:		Linda Romero			Court Reporter:		Susan Sperry	
AUSA:		Norman Cairns			Defendant's Counsel:		Tom Jameson	
Sentencing in:		Santa Fe, NM			Interpreter:		None	
Probation Officer:		Virvian Yazzie			Sworn?		<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Convicted on:		<input checked="" type="checkbox"/>	Plea <input type="checkbox"/>	Verdict <input type="checkbox"/>	As to:		<input type="checkbox"/>	Information <input checked="" type="checkbox"/> Indictment <input type="checkbox"/>
If Plea:		<input checked="" type="checkbox"/>	Accepted <input type="checkbox"/>	Not Accepted <input type="checkbox"/>	Adjudged/Found Guilty on Counts:		Count 1	
If Plea Agreement:		<input checked="" type="checkbox"/>	Accepted <input type="checkbox"/>	Not Accepted <input type="checkbox"/>	No Plea Agreement <input type="checkbox"/>		Comments:	
Date of Plea/Verdict:		4/26/11			PSR:		<input type="checkbox"/>	Not Disputed <input checked="" type="checkbox"/> Disputed <input type="checkbox"/>
PSR:		<input checked="" type="checkbox"/>	Court Adopts PSR Findings		Evidentiary Hearing:		<input checked="" type="checkbox"/>	Not Needed <input type="checkbox"/> Needed <input type="checkbox"/>
Exceptions to PSR:		Court grants defendant's objections to the determination in PSR that he is subject to the Armed Career Criminal Act and orders the relevant paragraph be revised to reflect that neither the sentencing enhancement nor the mandatory minimum under the ACCA applies to the defendant.						
SENTENCE IMPOSED				Imprisonment (BOP): 60 months				
Supervised Release:		2 years			Probation:		<input checked="" type="checkbox"/>	500-Hour Drug Program <input type="checkbox"/>
SPECIAL CONDITIONS OF SUPERVISION								
<input type="checkbox"/>	No re-entry without legal authorization			<input type="checkbox"/>	Home confinement for _____ months _____ days			
<input type="checkbox"/>	Comply with ICE laws and regulations			<input type="checkbox"/>	Community service for _____ months _____ days			
<input type="checkbox"/>	ICE to begin removal immediately or during sentence			<input type="checkbox"/>	Reside halfway house _____ months _____ days			
<input checked="" type="checkbox"/>	Participate in substance abuse program/drug testing			<input type="checkbox"/>	Register as sex offender			
<input checked="" type="checkbox"/>	Participate in mental health program			<input type="checkbox"/>	Participate in sex offender treatment program			
<input checked="" type="checkbox"/>	No alcohol/liquor establishments			<input type="checkbox"/>	Possess no sexual material			
<input checked="" type="checkbox"/>	Submit to search of person/property			<input type="checkbox"/>	No computer with access to online services			
<input type="checkbox"/>	No contact with victim(s) and/or co-Deft(s)			<input type="checkbox"/>	No contact with children under 18 years			
<input type="checkbox"/>	No entering, or loitering near, victim's residence			<input type="checkbox"/>	No volunteering where children supervised			
<input type="checkbox"/>	Provide financial information			<input type="checkbox"/>	Restricted from occupation with access to children			
<input type="checkbox"/>	Grant limited waiver of confidentiality			<input type="checkbox"/>	No loitering within 100 feet of school yards			
<input type="checkbox"/>	OTHER:							
Fine: \$		0			Restitution: \$		0	
SPA: \$		100 (\$100 as to each Count)			Payment Schedule:		<input checked="" type="checkbox"/>	Due Imm. <input type="checkbox"/> Waived <input type="checkbox"/>
OTHER:		Defendant forfeits his rights, title and interest in the following assets and properties: Kahr Arms, Model K9 9mm pistol, serial number obliterated, and seven (7) rounds of Winchester ammunition.						
<input checked="" type="checkbox"/>	Advised of Right to Appeal			<input type="checkbox"/>	Waived Appeal Rights per Plea Agreement			
<input checked="" type="checkbox"/>	Held in Custody			<input type="checkbox"/>	Voluntary Surrender			
<input checked="" type="checkbox"/>	Recommended place(s) of incarceration:			A Federal Medical Center. Alternatively, FCI Tucson or FCI Phoenix. Court also recommends that the defendant attend a BOP mental health treatment program.				
<input checked="" type="checkbox"/>	Dismissed Counts:		Government filed Motion and Court signs Order approving dismissal of Count 2 of the Indictment.					

OTHER COMMENTS	<p>Court addresses defendant. Defendant introduces family members present. Defense counsel addresses Court. Defendant addresses Court. Court orders that Dr. Rapaport's report be attached to the PSR. Court imposes sentence. Court grants defendant's objections to the determination in PSR that he is subject to the Armed Career Criminal Act and orders the relevant paragraph be revised to reflect that neither the sentencing enhancement nor the mandatory minimum under the ACCA applies to the defendant. Court overrules defendant's objections in the PSR that he is subject to an enhanced base offense level because his prior convictions for aggravated assault and aggravated battery are crimes of violence.</p>
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